

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL NO. 1592

IMMUNEX CORPORATION, a Washington
Corporation and AMGEN INC., a Delaware
Corporation,

Civil Action No. 04-10740-MLW

C. D. Cal. No. CV 03-4349 MRP (CWx)

Plaintiffs,

vs.

THE TRUSTEES OF COLUMBIA
UNIVERSITY in the City of New York,
a New York Corporation,

Defendant.

AND RELATED COUNTERCLAIM

DECLARATION OF VICKI G. NORTON IN SUPPORT OF
AMGEN INC.'S AND IMMUNEX CORPORATION'S MOTION
FOR LEAVE TO OBTAIN DISCOVERY FROM
FORESEEABLY UNAVAILABLE WITNESS DR. GOODGAL

I, Vicki G. Norton, declare as follows:

1. I am a partner in the law firm of Wilson Sonsini Goodrich & Rosati, counsel of record for Amgen Inc. and Immunex Corporation. I am a member in good standing of the State Bar of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify to such facts.

2. We received documents describing Dr. Goodgal's work in DNA transformation using CHO cells on September 8, 2004.

3. Attached hereto as Exhibit 1 is a true and correct copy of the abstract of Grant Number 5R01GM024263-03, "Genetic Transfer in Mammalian Somatic Cells," awarded to Goodgal, S., University of Pennsylvania Fiscal Year 1980 from the website of Computer Retrieval of Information on Scientific Projects (<http://crisp.cit.nih.gov>).

4. Attached hereto as Exhibit 2 is a true and correct copy of "Notice of Grant" for "Genetic Transfer in Mammalian Somatic Cells," Grant Number 5R01GM024263-03.

5. In accordance with Local Rule 7.1(a)(2), I conferred with Columbia's counsel, Wayne Barsky on September 16th-18th, 2004, about this Motion and attempted in good faith to resolve the matter but we were unable to reach agreement.

6. Attached hereto as Exhibit 3 is a true and correct copy of a letter dated September 18, 2004 from Vicki Norton to Wayne Barsky.

Executed on September 20, 2004, at San Diego, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/Vicki G. Norton
Vicki G. Norton